764 The provisional master takes his place at the door or inside the blon', the vestibule of the house, and receives the condolences. [166]

Several days elapse between death and burial in order to give distant or absent relatives time to arrive. During this period the funeral songs become more and more elaborate and [533] are left to professional singers who are accompanied by various instruments: tom-toms, xylophones (bala), guitars. The singers, dancers, and mourners exert themselves all the more if they think there will be substantial rewards.

The children of the house (den'-u, de-u) are allowed a good deal of freedom during this period, as though the authority which had curbed them had ended with the life of the deceased. They are allowed to take hens and goats, to eat lavishly, sing, dance, and generally rejoice.

On the night preceding the burial, the deceased is placed outside under a shelter (gwa); the songs and dances [857] continue. It is customary for the children (de-u) of the house, led by the professional members of the funeral orchestra, to take part in the singing and dancing.

Relatives, friends, neighbors, and persons obligated to the family are expected to bring offerings in proportion to their rank or indebtedness so as to contribute to the meals and to [689] the funeral alms. This is a very strict obligation; any failure to comply not only shows a lack of respect for the dead, but is also an offense which the family must avenge. The chronicle of Ségou bears witness to this fact.

763 764 Along with the religious ceremonies, events of an entirely different nature take place. If the death should seem in any way suspicious, it is the duty of the family to investigate the matter without delay. It is particularly the heir presumptive, if he is present, who is required to take steps at once to clarify the matter; he questions the ancestors and consults seers and magicians. The funeral ceremonies are sometimes dominated and even conditioned by the results of these investigations and consultations. At the very least, it would be essential to obtain the lifting of the interdict imposed on the

*[173] strict limitations of native society. First of all there were poor wretches and slaves. Drawn by the good food and the certainty of escaping from the authority of their masters, they abandoned themselves completely to the fla-n-ton' and became its slaves; these were the first ton'-dyon' (slaves of the ton') (2). As is

2. The word ton' will henceforth be used as an abbreviation of fla-n-ton'.

the case with everything that had to do with the ton', Mamari had absolute authority over them. He chose one of them to call the ton'-den' to meetings by blowing a trumpet; this person was called ton'-masa (master of the ton') because his summons was so imperative that anyone who failed to obey was liable to a fine [689] of 20 jugs of beer (dlo). Furthermore, the ton'-masa was a kind of head over his congeners; he transmitted Mamari's orders to them and supervised the execution of them.

The ton'-dyon' were not the only ones who worked for the ton'. Just as the ton'-den' had built a dwelling as ordered by Mamari, they likewise undertook the cultivation of a field of millet.

In short, organized and disciplined, Mamari's ton' prospered. This prosperity aroused the envy and hatred of the [295] fla-n-ton' of the people of Doua, who slyly tried to bring about its downfall. Kassoum first tried to bring about a reconciliation in order to reunite the two ton', but he ran up against the opposition of Mamari, who wanted nothing further to do with these dangerous confreres.

Kassoum changed tactics and encouraged a series of reciprocal invitations between the two ton', which narrowly missed causing serious fights. Mamari, however, managed to keep the situation in hand.

The fields of the ton' produced a fine crop, and Mamari gave half of it to his father, advising him to use it for generous gifts to the fla-n-ton' so as to strengthen his son's influence over his followers. The old man was deeply touched by his son's behavior; he died soon afterward. The chronicler notes that on this occasion Mamari once again managed to extricate himself

681 survived hardly more than 15 days of this punishment. The whip was applied publicly; the lashes, whose number was fixed by the Fama, were given with either a full swing of the arm or by the forearm only. Fines had to be paid immediately, or else the condemned was held for security until his family liquidated the debt.

672 681 The family of a man who had committed a crime or fault was held responsible and could be confiscated and sold; the confiscation of persons involved the confiscation of goods. All those who worked together under the authority of the same head could be confiscated, but not maternal uncles, paternal and maternal aunts of the culprit, nor his married relatives or those on the point of marrying. The confiscation was to the profit of the Fama who compensated the victims. Confiscation [71] of goods includes all furnishings, but not lands or dwellings.

681 Whoever was condemned to slavery had to be sold outside of the country, to the profit of the Fama. It was a practical method of ridding the land of all undesirables.

Finally, any second offender had his punishment doubled.

c. Examples of Condemnations

682 681 685 847 Homicides are condemned to death, but involuntary homicides or cases of legitimate self-defense are excused. A murderer's accomplice is subject to the same penalty as the murderer. One who receives a criminal or stolen goods is punished in the same fashion as the culprit. Rape of a child is punished by death, of a young girl by being put into irons after having paid reparations to her fiance. A woman who puts her bastard to death will be excused, for her husband may have required her to do it; if she kills her legitimate child, she is punished by death, but not executed. A woman who has an abortion is publicly whipped; when she causes an abortion in another woman, she is condemned to death. A man who usurps the title of a function to which he is not entitled is put to death, as is the charlatan and the sorcerer. Theft of gold is punishable by death; theft of household objects is compensated for by a fine. If, during a brawl between two villages, a member of one village is killed, the aggrieved village designates an individual in the other village to be put to death. If there are several deaths on both side, the number of deaths in the two villages is equalized.

[683 689]

689 Public violation of decency is punished by death.

684 For adultery, the man is put in irons and pays a fine, the woman is whipped by her husband, her brothers, or the Fama's police. Relations with a woman in mourning draws public scorn on the guilty, while a man who commits adultery with a pregnant woman is put to death. A captive who is the lover of his master's wife is put to death.

689 Vagrant individuals are presumed to be escaped captives and are handed over to the Fama.

735 Finally, begging is authorized, because, say the Bambara, it is better to have begging than stealing.

d. Responsibility

[608] The Fama judges all his subjects, except his own sénanku whom he has judged by his tribunal. The law is applicable to every circumcised man and excised woman recognized as sane. (The demented are put in irons.) They are responsible for their acts, but the family of the guilty is also responsible. The father of an uncircumcised boy is responsible for the boy's acts, the husband for the acts of his wife, and we have seen that a man's crime may lead to the punishment of his whole family. Let us further remark that a 567 master was judge of his slave, but when a difference arose between 592 slaves of different houses, their case was referred to the tribunal. The tribunal also weighed the death penalty [72] when a slave committed a grave fault. Finally, the foreigner who lives in the [609] Bambara country is judged by Bambara laws.

672 We must also note that the penalties apply to all crimes committed voluntarily; every infraction or damage involuntarily committed is excusable on the condition that it be immediately confessed. Thus it is that a hunter meeting a pair of lovers in the [684] bush may kill them for outraging public decency, but must admit his crime immediately upon returning to the village.

e. Inheritance

428 Monteil has noticed an order of succession in the Ségou region which does not correspond to that described by other authors, such as Ortoli or Aubert. In fact, at the death of the fa, " ... everything that belonged to him remains undivided under the new faya of